

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2176

Introduced by Assembly Member Campos

February 18, 2016

An act to amend Section 8698 of, and to add and repeal Section 8698.3 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Campos. Shelter crisis: ~~declaration: public facilities:~~ *emergency bridge housing communities.*

Existing law authorizes a political subdivision, as defined, to declare a shelter crisis if the governing body of that political subdivision makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

This bill, until January 1, 2022, upon a declaration of a shelter crisis by the City of San Jose ~~during a shelter crisis, among other things,~~ would authorize emergency housing to include ~~a transitional housing~~ *an emergency bridge housing* community, as defined, for the homeless. The bill, in lieu of state and local building, housing, health, habitability, or safety standards and laws, would authorize the city to enact local standards for ~~transitional housing~~ *emergency bridge housing*

communities to be operative during the shelter crisis, as provided. *The bill would require the city, among other things, to match each resident of an emergency bridge housing community to an affordable housing unit identified in the city's housing plan that will be available for the resident to live in on or before January 1, 2022, and develop a plan for emergency bridge housing communities to include on-site supportive services. The bill would further require the city to annually report to the Legislature specific information on emergency bridge housing communities, including, among other information, the number of residents in every emergency bridge housing community and the actual and projected number of permanent affordable housing units available through January 1, 2022.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of San Jose.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8698 of the Government Code is amended
2 to read:
3 8698. For purposes of this chapter, the following definitions
4 shall apply:
5 (a) "Political subdivision" includes the state, any city, city and
6 county, county, special district, or school district or public agency
7 authorized by law.
8 (b) "Governing body" means the following:
9 (1) The Governor for the state.
10 (2) The legislative body for a city or city and county.
11 (3) The board of supervisors for a county.
12 (4) The governing board or board of trustees for a district or
13 other public agency.
14 (5) An official designated by ordinance or resolution adopted
15 by a governing body, as defined in paragraph (2), (3), or (4).
16 (c) "Public facility" means any facility of a political subdivision
17 including parks, schools, and vacant or underutilized facilities
18 which are owned, operated, leased, or maintained, or any
19 combination thereof, by the political subdivision through money
20 derived by taxation or assessment.

(d) “Declaration of a shelter crisis” means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

(e) ~~“Transitional housing”~~ “*Emergency bridge housing community*” means any *new or existing* facilities, ~~including~~ *including, but not limited to*, housing in temporary structures, such as camping cabins or recreational vehicles that are reserved for homeless persons and families and located on property leased or owned by a political subdivision. Those facilities shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

SEC. 2. Section 8698.3 is added to the Government Code, to read:

8698.3. Notwithstanding any other provisions in this chapter, upon a declaration of a shelter crisis by the City of San Jose, the following shall apply during a shelter crisis:

(a) Emergency housing may include ~~a transitional housing~~ *an emergency bridge housing* community for the homeless located or constructed on any city-owned or city-leased land, including land acquired with low- and moderate-income housing funds.

(b) The city may, in lieu of state and local building, housing, health, habitability, or safety standards and laws, enact local standards for ~~transitional housing~~ *emergency bridge housing* communities to be operative during the shelter crisis consistent with ensuring minimal public health and safety. During the shelter crisis, provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of building, housing, health, habitability, or safety shall be suspended for the transitional housing communities provided that the city has adopted health and safety standards for ~~transitional housing~~ *emergency bridge housing* communities and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability, shall be suspended for the ~~transitional housing~~ *emergency bridge housing* communities provided that the city has

1 adopted health and safety standards for ~~transitional housing~~
2 *emergency bridge housing* communities and those standards are
3 complied with. This section applies only to a public facility or a
4 ~~transitional housing~~ *an emergency bridge housing* community
5 reserved for the homeless pursuant to this chapter.

6 (c) ~~A transitional housing~~ *An emergency bridge housing*
7 community constructed or allowed under this chapter shall not be
8 subject to the Special Occupancy Parks Act (Part 2.3 (commencing
9 with Section 18860) of Division 13 of the Health and Safety Code),
10 the Mobilehome Parks Act (Part 2.1 (commencing with Section
11 18200) of Division 13 of the Health and Safety Code), or the
12 Mobilehome Residency Law (Chapter 2.5 (commencing with
13 Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

14 (d) ~~A transitional housing~~ *An emergency bridge housing*
15 community that complies with the applicable requirements of the
16 Americans with Disabilities Act of 1990 (Public Law 101-336),
17 as amended by ADA Amendments Act of 2008 (Public Law
18 110-325), shall be exempt from Part 2.5 (commencing with Section
19 54) of Division 1 of the Civil Code and actions thereunder for the
20 duration of the shelter crisis.

21 (e) *The city shall match each resident of an emergency bridge*
22 *housing community to an affordable housing unit identified in the*
23 *city's housing plan that shall be available for the resident to live*
24 *in on or before January 1, 2022.*

25 (f) *On or before July 1, 2017, the city shall develop a plan for*
26 *every emergency bridge housing community to include on-site*
27 *supportive services. The city shall make the report publicly*
28 *available.*

29 (g) *On or before January 1, 2018, and annually thereafter, the*
30 *city shall report to the Legislature the number of residents in every*
31 *emergency bridge housing community, the number of residents*
32 *who have moved from an emergency bridge housing community*
33 *into permanent affordable housing, the average time required for*
34 *a resident to receive a permanent affordable housing unit, and the*
35 *actual and projected number of permanent affordable housing*
36 *units available through January 1, 2022.*

37 (e)

38 (h) This section shall remain in effect only until January 1, 2022,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2022, deletes or extends that date.

1 SEC. 3. The Legislature finds and declares that a special law
2 is necessary and that a general law cannot be made applicable
3 within the meaning of Section 16 of Article IV of the California
4 Constitution because of the unique need to address the problem
5 of homelessness in the City of San Jose.

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